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House Engrossed  
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State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007  
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CHAPTER 71  
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HOUSE BILL 2208  
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AN ACT

AMENDING SECTIONS 38-431 AND 38-431.01, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS AND PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 38-431, Arizona Revised Statutes, is amended to read:

38-431. Definitions

In this article, unless the context otherwise requires:

1. "Advisory committee" OR "SUBCOMMITTEE" means ~~a committee~~ ANY ENTITY, HOWEVER DESIGNATED, that is officially established, ~~upon~~ ON motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.
2. "Executive session" means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03. In addition to the members of the public body, officers, appointees and employees as provided in section 38-431.03 and the auditor general as provided in section 41-1279.04, only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session.
3. "Legal action" means a collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state.
4. "Meeting" means the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.
5. "Political subdivision" means all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts.
6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, ~~such~~ THE public body.
7. "Quasi-judicial body" means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims.

Sec. 2. Section 38-431.01, Arizona Revised Statutes, is amended to read:

38-431.01. Meetings shall be open to the public

A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and

listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

B. All public bodies, ~~except for subcommittees and advisory committees,~~ shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, such minutes or recording shall include, but not be limited to:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by the public body.

D. The minutes or a recording OF A MEETING shall be open to AVAILABLE FOR public inspection three working days after the meeting except as otherwise specifically provided by this article.

E. ~~The A public bodies of the cities and towns~~ BODY OF A CITY OR TOWN with a population of more than two thousand five hundred persons ~~that have an internet web site~~ shall:

1. WITHIN THREE WORKING DAYS AFTER A MEETING, EXCEPT FOR SUBCOMMITTEES AND ADVISORY COMMITTEES, post ON ITS INTERNET WEBSITE, IF APPLICABLE, EITHER:

(a) A statement ~~showing~~ DESCRIBING the legal actions taken by the public body of ~~a~~THE city or town during ~~a~~THE meeting.

(b) ~~or Any recordings on their internet web site for public inspection within three working days after the meeting and shall also post the approved~~ RECORDING OF THE MEETING.

2. WITHIN TWO WORKING DAYS FOLLOWING APPROVAL OF THE minutes, POST APPROVED MINUTES of ~~all~~ city or town council meetings ~~within two working days following approval of the minutes,~~ ON ITS INTERNET WEBSITE, IF APPLICABLE, except as otherwise specifically provided by this article.

3. WITHIN TEN WORKING DAYS AFTER A SUBCOMMITTEE OR ADVISORY COMMITTEE MEETING, POST ON ITS INTERNET WEBSITE, IF APPLICABLE, EITHER:

(a) A STATEMENT DESCRIBING LEGAL ACTION, IF ANY.

(b) A RECORDING OF THE MEETING.

~~E~~ F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.

~~F~~ G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall distribute open meeting law materials prepared and approved by the attorney general to a person elected or appointed to a public body prior to the day that person takes office.

~~G~~ H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

~~H~~ I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.